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9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON

11 JENNIFER BEVENS,

Civil No. 2:09-CV-113-CRD

12 Plaintiff,

13  
14 vs.

ORDER

15 MICHAEL J. ASTRUE,  
16 Commissioner of Social Security,

17 Defendant

18  
19 Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned  
20 case be REVERSED and REMANDED for further administrative proceedings. On remand, the  
21 ALJ will hold a new hearing and issue a new decision. The ALJ will:

22 Develop the record and give further consideration to the severity of Plaintiff's  
23 impairments, including Plaintiff's migraine headaches. The Administrative Law Judge should  
24 attempt to obtain any available medical records, including records prior to January 2005. The  
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1 record should also be developed to clarify the frequency, duration, and intensity of Plaintiff's  
2 migraines during the entire period at issue.

3         Give further consideration to the treating and examining source opinions, including the  
4 opinion evidence provided by Robert Dini, M.D., pursuant to the provisions of 20 C.F.R.  
5 §§ 404.1527 and 416.927, and Social Security Rulings 96-2p and 96 5p, and nonexamining  
6 source opinions pursuant to the provisions of 20 C.F.R. §§ 404.1527(f) and 416.927(f) and Social  
7 Security Ruling 96-6p.  
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9         Further obtain evidence from a medical expert to clarify the nature and severity of  
10 Plaintiff's impairment (20 C.F.R. §§ 404.1527(f), 416.927(f), and Social Security Ruling 96-6p),  
11 and as necessary, an appropriate date of onset of disability in accordance with Social Security  
12 Ruling 83-20.  
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14         Further consider the lay evidence in the record in accordance with 20 C.F.R.  
15 §§ 404.1513(d)(4) 416.913(d)(4), and Social Security Ruling 06-03p, specifically, the information  
16 from Mary Harman, Plaintiff's mother (Tr. 149-157).  
17


18         Further evaluate Plaintiff's subjective complaints and provide rationale in accordance with  
19 the disability regulations pertaining to evaluation of symptoms 20 C.F.R. §§ 404.1529, 416.929,  
20 and Social Security Ruling 96-7p.  
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22         If warranted by the expanded record, obtain evidence from a vocational expert to clarify  
23 the effect of the assessed limitations on Plaintiff's occupational base (Social Security Ruling  
24 83-12, 83-14, and 96-9p).  
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1 This case is reversed and remanded on the above grounds pursuant to sentence four of  
2 42 U.S.C. § 405(g), and Plaintiff is entitled to reasonable attorney's fees and costs pursuant to  
3 28 U.S.C. § 2412(a), (d), upon proper request to this Court.  
4

5 DATED this 8<sup>th</sup> day of June, 2009.  
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7   
8 Carolyn R. Dimmick  
9 United States District Judge  
10  
11

12 Presented by:

13 s/ RICHARD A. MORRIS WSB # 33780  
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